

Establishing Policy And Procedure For Use Of The Environmental Remediation Fund

Referred to: The Energy and Environment Committee (Chairman Loughran and Legislators Richard Parete, Rodriguez, Ronk, and Wawro), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio and Maloney, and Richard Parete)

Legislator John Parete offers the following:

WHEREAS, Resolution No. 42 established an Environmental Remediation Reserve Account; and

WHEREAS, policy and procedure is required to ensure the proper use of this reserve account; and

WHEREAS, this reserve account was established with a goal of returning all environmentally blighted property in Ulster County to a useful status within a reasonable timeframe; now, therefore be it,

RESOLVED that the Ulster County Legislature hereby ~~approves~~ **adopts** the following ~~policy and procedures;~~ **policies regarding the use of the Reserve Fund:**

- ~~1. Reserve to be accessed to evaluate, investigate and/or remediate property identified in the County's annual tax foreclosure process as having, or potentially having, environmental problems, including any legal fees incurred in the process. The purpose of the Reserve fund is to pay for the evaluation and/or remediation of properties identified in the County's annual tax foreclosure process as having, or potentially having environmental problems.~~
- ~~2. Remediate property and replenish the reserve by the public sale of the property involved. The fund should not be used as a source of grants, rather as a revolving fund in which monies expended are recaptured by the County's sale of the property. The gain (amount above the taxes owed) will be placed in the Reserve.~~
- ~~3. Remediation of parcels not connected to the County's tax foreclosure process will be considered on a case by case basis. Funds expended on such projects are expected to be repaid when these parcels are sold or placed on the tax rolls.~~
- 3. Throughout this process The Legislature hereby recommends that** a list of at least ten parcels to evaluate and remediate will be created and maintained using the following criteria and considerations:
 - a. property which has already been evaluated/studied;

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- b. property which can be more easily remediated, or which may involve limited environmental problems;
- c. parcels which have large market value;
- d. ongoing businesses which are not paying taxes and are not being foreclosed on due to environmental concerns;
- e. property which has had interest in purchase expressed and/or has high potential for redevelopment and reuse.

5. **The Legislature hereby recommends that** ~~A~~an Environmental Site Review of these parcels will be conducted. This review will involve the preparation of a data report listing information sources and findings, site features and conditions observed during the visual inspection, and conclusions regarding the potential or confirmed existence of recognized environmental conditions that warrant further investigation and/or remediation. Recommendations for further site investigation or remediation, if necessary, will be included. It is anticipated that the County, in its' tax foreclosure process, may request County Court to grant "temporary incident of ownership" to gain access to the property for remedial investigation.

6. **The Legislature recommends that** ~~in~~ cases involving parcels which have been remediated by NYS Department of Environmental Conservation or the New York State Environmental Protection and Spill Compensation Fund, the County will negotiate with the State to permit its' tax foreclosure process to continue, by seeking the removal of any environmental liens covering State cleanup costs.

7. ~~Parcels will~~ **The Legislature hereby recommends that parcels** be selected for evaluation and remediation, using the criteria and considerations defined above, by a team that includes the Chairman of the Energy and Environment Committee, the Chairman of the Ways and Means Committee, the Commissioner of Finance, the Director of the County Planning Department, and Director of the Department of the Environment and the County Attorney.

8. ~~Approval for the expending of funds from this Reserve Account will be required by resolution of the Ulster County Legislature.~~

9. **8. The Legislature hereby recommends that the** ~~F~~funds received from the annual auction sale of properties above the amount allocated within the annual County budget will be added to this fund unless otherwise directed by the ~~Ulster County Legislature~~ **Legislative Act,**

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and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Postponed in Committee: Energy and Environment on February 4, 2015

Passed Committee As Amended: Energy and Environment on March 4, 2015

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:

NONE